

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COSMIC DEBRIS ETC., INC.,)	
)	
Plaintiff(s),)	No. C05-2802 BZ
)	
v.)	ORDER SCHEDULING HEARING ON
)	PLAINTIFF'S MOTION FOR
NEO TECH IMPORT EXPORT)	DEFAULT JUDGMENT
COMPANY, LIMITED,)	
)	
Defendant(s).)	

TO ALL PARTIES AND COUNSEL OF RECORD:

IT IS HEREBY ORDERED that pursuant to the Court's discretion under Rule 55(b)(2) of the Federal Civil Rules of Civil Procedure, a hearing on plaintiff's motion for default judgment is set for set for **Wednesday, April 5, 2006**, at 10:00 a.m. in Courtroom G, 15th Floor, Federal Building, San Francisco, California, 94102.

Claims for attorneys' fees should be supported by billing records. Compliance with 50 App. U.S.C. § 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U.S.C. § 521(b)(1); United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn.

1 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50
2 App. U.S.C. § 521(b)(1)).

3 Plaintiff should be prepared to prove its damages by
4 competent testimony or other admissible evidence. If
5 plaintiff intends to prove damages by affidavits or
6 declarations, the affiant or declarant should have personal
7 knowledge of all matters to which she testifies. For all
8 evidence, proper foundations must be established. For an
9 explanation of the evidentiary requirements for proving
10 damages in a default case, the parties are encouraged to
11 consult Chapter Six of Civil Procedure Before Trial by William
12 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

13 Defendant should attend the hearing if it contests the
14 validity or amount of plaintiff's claim. Seven days before
15 the hearing, on **Wednesday, March 29, 2006**, plaintiff shall
16 file with the Clerk of the Court, and deliver directly to
17 chambers, a declaration setting forth in detail all steps
18 taken to serve defendant with notice of this hearing. If
19 defendant actually received notice of this hearing, plaintiff
20 should provide the Court with proof of service.

21 Dated: February 2, 2006

22 

23 Bernard Zimmerman
24 United States Magistrate Judge

25 G:\BZALL\BZCASES\COSMIC\DEF.JUDG.SCH.ORD.wpd
26
27
28